

JOURNAL OF THE HOUSE.

Wednesday, January 16, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, in Whom we place our trust and hope, we begin this formal legislative session with a prayer and with the intention of serving You and our constituents to the best of our human ability. We know that many of the legislative and administrative issues in today's society are complex and often emotional. In Your goodness, help us to select legislative options which rightly serve the current and the future needs of the people and the Commonwealth. In this era of worldwide terrorism and violence, inspire us to be leaders who recognize and respect the dignity and civil, human and religious rights of all individuals. Teach us to use all new knowledge and information in this technological age in a wise, ethical and thoughtful way.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Burlington,
validate
acts.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the September 24, 2007 town meeting held by the town of Burlington (House, No. 4487) was filed this day in the office of the Clerk.

The message was read; and it was referred, on motion of Mr. Murphy of Burlington, with the accompanying draft of a bill, to the committee on Rules.

Message from the Governor — Reorganization Plan Number 1 of 2008.

Reorganization
Plan No. 1,
education
agencies.

A message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan Number 1 of 2008, relative to reorganizing certain education agencies (House, No. 4488) was filed in the office of the Clerk on Thursday, January 10.

The message was read; and it was referred, under Article LXXXVII and under suspension of Joint Rule 23A, on motion of Mr. Cabral of New Bedford, with the accompanying draft of a bill, to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Fernandes of Milford, Callahan of Sutton, Frost of Auburn, Peterson of Grafton and Kujawski of Webster) congratulating the Blackstone Valley Regional Vocational Technical High School Beavers as the 2007 Central Massachusetts/Western Massachusetts Division 3A Super Bowl champions;

Blackstone
Valley High
School,
football
team.

Resolutions (filed by Mr. Kane of Holyoke) congratulating Patrick C. O'Connor on receiving the Eagle Award of the Boy Scouts of America; and

Patrick C.
O'Connor.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Robert Nelson Coulstring Sr. on his eightieth birthday;

Robert
Nelson
Coulstring.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Greene of Billerica, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

By Mr. Honan of Boston, for the committee on Housing, on a message from His Excellency the Governor, a Bill financing the production and preservation of housing for low and moderate income residents (printed in House, No. 4375). Read; and referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures and State Assets.

Low and
moderate
income
housing.

By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Resolve establishing a commission relative to an index of creative and innovative education in the Commonwealth (House, No. 393).

Innovative
education,
study.

By the same member, for the same committee, on House, No. 487, a Bill creating a commission to regulate commercialism in the public schools (House, No. 4483).

Public
schools,
commercialism.

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mrs. Haddad of Somerset, for the committee on Education, on House, Nos. 410, 411 and 498, a Bill establishing a financial literacy curriculum (House, No. 498).

Financial
program.

By the same member, for the same committee, on House, Nos. 449 and 450, a Bill relative to education collaboratives (House, No. 4484).

Education
collaboratives.

By the same member, for the same committee, on House, No. 528, a Bill relative to the disclosure of information of interscholastic athletic authorized agents and post season competitions (House, No. 4485).

Athletic
agents.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 729, 730, 745, 818, 878 and 1976, a Bill creating the non-indigenous species management plan and listing process for non-native species (House, No. 4486).

Species,
management
plan.

Local
boards,
training.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill providing training for certain local boards and commissions (House, No. 192).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

African
American
history.

By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Bill relative to the teaching of African American history in public schools (House, No. 432).

Student
testing.

By the same member, for the same committee, on a petition, a Bill relative to student testing in the public schools (House, No. 436).

Schools,
improvement.

By the same member, for the same committee, on a petition, a Bill relative to school improvement plans (House, No. 448).

MCAS
results,
availability.

By the same member, for the same committee, on a petition, a Bill relative to the availability of MCAS results (House, No. 459).

Sports,
conduct.

By the same member, for the same committee, on a petition, a Bill to authorize codes of conduct for players, coaches, officials and parents in athletic settings (House, No. 553).

West
Stockbridge,
conservation
commission.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the conservation commission of the town of West Stockbridge (House, No. 4100) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Second
reading
bills.

Senate bills

Balancing the physician license renewal cycle (Senate, No. 1298);

Designating the month of November as Lung Cancer Awareness Month (Senate, No. 1871);

Designating a certain bridge in the town of Dover as the Governor Francis W. Sargent bridge (Senate, No. 2099);

Authorizing the certification and eligibility of Bradley Fitzgerald, James Cambra, Robert Chase, Steven Baptiste and Timothy Larkin as firefighters in the city of Taunton (Senate, No. 2154);

Regulating the provision of health insurance to surviving spouses of certain employees of the town of Wareham (Senate, No. 2157);

Authorizing the town of Rockland to establish a school building capital trust fund (Senate, No. 2264, amended);

Further regulating the group insurance program of the town of Boxborough (Senate, No. 2297);

Relative to designating a certain bridge in the town of Medfield as the Senator Leverett Saltonstone bridge (Senate, No. 2303);

Further amending the representative town meeting procedures in the town of Randolph (Senate, No. 2305);

Designating a certain corner in the West Roxbury section of the city of Boston as the Nicholas G. Beram Veterans Association Corner (Senate, No. 2313);

Authorizing the town of Templeton to exchange a parcel of conservation land for a larger parcel to be held for conservation purposes (Senate, No. 2318);

Establishing a sick leave bank for Thomas D'Intinosanto, an employee of the Department of Mental Retardation (Senate, No. 2349, amended);

Relative to the Randolph Public Library (Senate, No. 2396);

Authorizing the investment of trust funds for the city of Northampton (Senate, No. 2400); and

Authorizing the city of Quincy to establish a neighborhood stabilization fund (Senate, No. 2424); and

House bills

Relative to the Essex Regional Retirement System (printed as Senate, No. 1540, changed);

Relative to out of state child support (House, No. 113);

Relative to solid waste disposal facilities (House, No. 812, changed);

Establishing a sudden infant death syndrome advisory council (House, No. 1678);

Allowing town meetings to be held in June (House, No. 1943);

Relative to compensated absences in cities and towns (House, No. 1949);

Relative to the expenditure of certain municipal and district monies (House, No. 1950);

To increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1951);

Relative to the annual proclamation of Arbella Day (House, No. 3408);

Designating a certain street in the city of Boston as Reverend Paul A. Phinn Way (House, No. 3620);

Designating a certain traffic rotary in the town of Everett as the Edward G. Connolly memorial rotary (House, No. 3634);

Relative to the interest rate to be charged upon apportioned betterment assessments for the Wewantic Sewer Project in the town of Wareham (House, No. 3985);

Relative to interest rates to be charged upon apportionment betterment assessments in the town of Wareham (House, No. 3986);

Authorizing Jeffrey J. Giles to take the civil service examination for police officer in the city of Gardner notwithstanding the minimum age requirement (House, No. 4010);

Relative to establishment of a capital improvement trust fund in the town of Stoneham (House, No. 4073);

Relative to the leasing of certain property in the town of Stoneham (House, No. 4074);

Exempting all positions in the town of Franklin's department of public works from the civil service law (House, No. 4103);

Exempting certain positions in the town of Hull from the civil service law (House, No. 4219);

Naming Norman Rockwell as the official artist of the Commonwealth (House, No. 4228);

Relative to the charter of the town of Plymouth (House, No. 4267);

Relative to town meetings in Orange (House, No. 4277);

Relative to firearms licensing (House, No. 4278);

Establishing a sick leave bank for a certain employee of the Berkshire County sheriff's department (House, No. 4285);

Transferring the city of Marlborough to the Metro West Regional Transit Authority (House, No. 4289);

Authorizing the city of Methuen to lease a portion of that building known as the Quinn Building to Methuen Municipal Employees Federal Credit Union (House, No. 4325);

Designating a certain ice rink in the town of Franklin as the Sergeant Robert Pirelli Veterans Memorial Rink (House, No. 4354);

To clarify the site assignment process (House, No. 4363);

Authorizing a plaque recognizing Governor John Andrew (House, No. 4395);

Relative to the licensing of school bus drivers (House, No. 4396); and

To authorize the establishment of a firearms licensing fund in the town of Goshen (House, No. 4400, changed);

Severally were read a second time; and they were ordered to a third reading.

Second reading
bill amended.

The Senate Bill abolishing the North East Solid Waste Committee (Senate, No. 549, amended) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4337,— was adopted.

The bill (Senate, No. 549, amended) then was ordered to a third reading.

H

The Senate Bill relative to revising the composition and duties of the Quinebaug and Shetucket Rivers Valley Heritage District and Commission (Senate, No. 2310, amended) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4386,— was adopted.

The bill (Senate, No. 2310, amended) then was ordered to a third reading.

H

The House Bill relative to professional engineers and land surveyors (House, No. 278) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4339),— was adopted.

The substituted bill then was ordered to a third reading.

H

The House Bill relative to capping payment of pensioners for services after retirement (House, No. 2713, changed) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4341),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill requiring continuing education of construction supervisors (House, No. 4230) was read a second time.

Second reading
bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4344),— was adopted.

The substituted bill then was ordered to a third reading.

House reports

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 631) of Bruce J. Ayers that cities and towns be authorized to issue temporary placards for handicapped parking spaces;

House
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2258) of Louanne Fucci for legislation to further regulate post trip inspections by drivers of school buses;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3378) of Louanne Fucci for legislation to regulate the movement of motor vehicles after students have alighted from or boarded school buses;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3428) of Demetrius J. Atsalis for legislation to further regulate the wearing of helmets for passengers and operators of motorcycles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3430) of Bruce J. Ayers relative to further regulating junior operator's licenses;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3471) of John Walsh relative to increasing the age for obtaining a motor vehicle driving license;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3486) of Donna Peters for legislation to impose a penalty for operating a motor vehicle while smoking if children are riding as passengers in such vehicle;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3493) of Anne M. Gobi and others relative to the operation of motorcycles in the breakdown lane during heavy traffic periods;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3494) of Anne M. Gobi and others relative to protective headgear while operating or riding as a passenger on a motorcycle;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3538) of Thomas P. Kennedy that stop arm warning devices be required on both sides of school buses;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3641) of Louanne Fucci relative to the installation of school bus safety gates; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3647) of Benjamin Swan and others for legislation to establish driver education and training reform;

Severally were accepted.

Recess.

Recess.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Fallon of Malden (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at one minute after two o'clock the House was called to order with the Speaker in the Chair.

Engrossed Bills.

Bills enacted.

Engrossed bills
Authorizing the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4176); and
Further regulating the membership of the South Essex Sewerage Board (see House, No. 4258);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Engrossed Bills — Land Takings.

Fisher Hill Reservoir.

The engrossed Bill authorizing the transfer of the former Fisher Hill Reservoir in the town of Brookline (see House, No. 4343, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted (land taking), yea and nay No. 244.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 244 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Dennis Water District, land.

The engrossed Bill authorizing the Dennis Water District to convey certain land (see House, No. 3741) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking), yea and nay No. 245.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 245 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

The House Bill further regulating the use of certain communication devices while operating a motor vehicle (House, No. 4477) was read a second time.
After debate the bill was ordered to a third reading.

Motor vehicles, communication devices.

Order.

On motion of Mr. Brownsberger of Belmont,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at a quarter before three P.M., on motion of Ms. Wolf of Cambridge (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.